

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

JOHN FAUTENBERRY, :  
Petitioner. : DEATH PENALTY CASE  
vs. : Case No.: C1-00-332  
BETTY MITCHELL, WARDEN, : JUDGE: GRAHAM  
Respondent. : MAGISTRATE JUDGE: KEMP

**PETITIONER JOHN FAUTENBERRY'S NOTICE OF  
INTENT TO SEEK A CERTIFICATE OF APPEALABILITY**

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On April 11, 2005, this Court denied John Fautenberry's Petition for Writ of Habeas Corpus. [Docs. 103 and 104]. It is the intent of John Fautenberry to seek a Certificate of Appealability from this Court. He will file the appropriate pleading on or before June 10, 2005.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a copy of the within *Petitioner John Fautenberry's Notice of Intent to Seek a Certificate of Appealability* was filed electronically on May 11, 2005. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's system.

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Dennis L. Sipe  
Counsel for Petitioner,  
John Fautenberry